ORDER SHEET

IN THEHIGH COURT OF SINDH, CIRCUIT COURT LARKANA.

C.P.No.D-873 of 2017.

Date of hearing	Order with signature of Judge

Hg. of case.

1. For orders on office objection- A.
2. For hearing of Main case.

21.12.2017.

Mr. Irshad Ali Chandio, Advocate alongwith Petitioner.

Mr. Abdul Rasheed Soomro State Counsel alognwith SIP-Ghulam Shabir, on behalf of SSP, Kamber-Shahdadkot and SIP Shafi Muhamamd of PS City Kamber.
Banti Lal and Sobhraj the respondents No.2 and 3.

Comments filed by the respondents No.1, 4 and joint comments of respondents No.2 and 3 are taken on record, copy whereof supplied to learned counsel for the petitioner.

It is alleged in the comments filed by respondents No.2 and 3 that shop in dispute belongs to Darbar Sahib"Sain Villayat Rai Sahib" which was rented out to the father of petitioner namely Roshan Ali Gopang through sureties Syed Koural Shah and Arbab Ali Gopang being prominent persons of Kamber Twon, who violated the conditions and failed to deposit monthly rent which resulted in filing two criminal cases crime No.21/2016 under section 341,448,506/2,34 PPC and 27/2016 under section 341,448,506/2, 34 PPC at Police Station Kamber city against nominated accused who are sons of Roshan Ali Gopang and brother of petitioner Abid Hussain Gopang who duly armed broke down the locks of subject shop, tress passed illegally in it by issuing threats of murder to the respondent No.3 Sobhraj.

The petitioner through instant petition has sought directions to respondents No.1 to 3 against the alleged harassment so also has sought fair impartial inquiry in the aforementioned FIR. As per statement of respondent No.2 who is present in person petitioner has already been acquitted by Court of Judicial Magistrate-I, Kamber in

Case crime No.27/2016 vide judgment dated 24.10.2017 while the trial under crime No.21/2016, is pending adjudication before the court of Judicial Magistrate -1, Kamber-Shahdadkot, this fact has not been controverted by the petitioner who is also present along-with his Advocate.

It appears that this petition has been filed frivolously by the petitioner knowingly that there is dispute over the shop between respondents No.2 and 3 and him. Respondent No.2 is grandson of the respondent No.3, and the latter is trustee of Sain Villayat Rai Sahib Trust, allegedly appointed by the III-Additional Sessions Judge, Larkana, vide order dated 31.1.1994.

This petition is therefore, being devoid of merit is dismissed with directions to the petitioner that in case he maintains any petition with unclean hands the same shall be dismissed with heavy cost.

JUDGE

JUDGE

S Ashfaq